

This pamphlet has been prepared as a public service to provide an understanding of the duties and procedures of the Franklin County Probate Court regarding adoptions. It is intended to be an overview only and should not be considered a legal reference. Laws pertaining to these topics may change. Legal advice should be obtained from an attorney.

WHO MAY ADOPT?

1. A husband and wife jointly
2. A stepparent
3. An unmarried adult

FOSTER PARENTS ARE ENCOURAGED TO ADOPT

WHO MAY BE ADOPTED?

1. A minor child
2. An adult, who:
 - A. Is determined to be totally and permanently disabled.
 - B. Is determined to have mental retardation as defined by law.
 - C. Had a stepparent or foster parent relationship while the adoptee was a minor.

WHAT ARE THE TYPES OF ADOPTIONS?

STEPPARENT - The person seeking to adopt is a stepfather or stepmother of the person to be adopted. The parent whose parental rights are being terminated must consent unless that consent is not required by law.

AGENCY - The parties use the services of a licensed adoption agency. The birth parents either voluntarily surrender custody of the child directly to the agency, or the Juvenile Court has terminated their parental rights. The Probate Court's involvement will be at the final stages when the Court reviews the matter to give final approval.

PRIVATE - The parties use the services of a private attorney who facilitates the adoption and acts as an intermediary between the adopting parents and the birth parents. The birth parents appear before the Probate Court to place the child for adoption, which occurs not less than three days after the birth of the child. The Court holds a second hearing with the adopting parents present to grant a Temporary Order of Adoption which will generally become permanent in six months.

INTERSTATE - This proceeding occurs when a child is born in one state and the adopting parents are residents of another state. In all instances, the Ohio Department of Job and Family Services, and the equivalent agency from the other state must be

involved through the Interstate Compact on the Placement of Children. The Probate Court will supervise these proceedings as required by law.

FOREIGN - This is an adoption in which a child is born in another country and is adopted by an Ohio family. Most often an adoption is done under the laws of the foreign jurisdiction with a second adoption proceeding held in Ohio, primarily to obtain an Ohio birth certificate.

On occasion, the adopting parents are given guardianship of the minor by the foreign jurisdiction, and an original adoption proceeding is held in Ohio.

In both types of foreign adoption, a licensed adoption agency is frequently retained to investigate the adopting family and issue a report of its findings and recommendation.

THE ROLL OF THE ASSESSOR

In stepparent, agency, and private adoptions, the services of an adoption assessor are used to investigate the adopting family and prepare a report called a home study. The home study contains basic information about the adopting family and the assessor's recommendation. This information will assist the Court in determining whether the adopting family is suitable to adopt and whether the approval of the adoption is in the best interest of the adoptee.

IS A HOME STUDY ALWAYS NECESSARY?

Except for the adoption of an adult, a home study is required in every adoption, and will be conducted by an adoption agency or a Probate Court Assessor.

WHO MUST CONSENT TO THE ADOPTION?

Generally, the legal parent(s) of the minor to be adopted, a minor child being adopted who is over the age of 12, and an adult adoptee must consent. However, many laws apply as to who must consent and when the Court may dispense with the consent. Any questions concerning consent should be directed to an attorney.

CAN A PUTATIVE FATHER PRESERVE HIS RIGHTS?

A putative father is a man who may be the father of the child, but is not legally recognized as such. He can preserve his rights as father of the child by registering with the Ohio Department of Job and Family Services, Putative Father Registry. This must be done either before the birth of the child or not later than thirty days after the birth. No fee is charged to the putative father for this registration. The telephone number for the Franklin County area is (614) 728-9659, and the toll free number is 1-888-313-3100. The Putative Father Registry is located at the Ohio Department of Job and Family Services, 255 E. Main Street, 3rd floor, Columbus, Ohio 43215-5222.

WHERE SHOULD AN ADOPTION BE FILED?

The Probate Court has exclusive jurisdiction over adoptions. One may file a petition in the Probate Court of the County where any of the following apply:

1. The agency having custody of the child is located.
2. The child was born.
3. The person or persons seeking to adopt reside.
4. The home of record for a person stationed in military service.
5. Where the birth parent(s) reside.

IS A COURT APPEARANCE REQUIRED?

It is mandatory that adopting parent(s) and the child appear at the Probate Court hearing unless otherwise ordered by the Court.

IS THE BIRTH CERTIFICATE CHANGED?

The original birth certificate will be sealed, and a new birth certificate issued. The adopting parent or parents will be reflected on the new birth certificate, just as though they had been the birth parents.

Adopted children born in Ohio or a foreign county, receive their new birth certificate from the Bureau of Vital Statistics, Columbus, Ohio. Children adopted in Ohio, but born in other states, obtain their new birth certificates from the Bureau of Vital Statistics or equivalent agency in the state where they were born.

IS IT NECESSARY TO HAVE AN ATTORNEY?

The adopting parents shall be represented by an attorney. The Probate Court will appoint an attorney to represent a birth parent in all cases where the birth parent is a minor, under legal disability, or upon the request of the birth parent, when the birth parent is appearing before the Court to place the child for adoption. Adoptions of an adult or a foreign adoption may be exempted from this requirement.

WHERE CAN I OBTAIN MORE INFORMATION IN FRANKLIN COUNTY ABOUT ADOPTIONS?

Any attorney who practices in the area of adoptions can provide information, and they can be found through the Lawyer Referral Service of the Columbus Bar Association, telephone (614) 221-0754. There are also several adoption agencies which can be found in the classified section of the Columbus telephone directory under Adoption Services.

LEGAL PRACTICE IN THE PROBATE COURT

Legal practice in the Probate Court is restricted by law to attorneys who are licensed by the Supreme Court of Ohio. Under the Ohio Revised Code, all persons seeking to adopt a minor shall utilize an attorney or agency to arrange the adoption. Deputy Clerks are prohibited by statute from practicing law and cannot give legal advice.

CAN AN ADOPTION BE OPEN?

Due to recent changes in Ohio law, an adoption of a child not related to the adopting couple may now be open. If all parties to the adoption agree, the birth parents and the adopting parents may know each other's identity. Otherwise, the adoption will be closed and the identity of the parties remains confidential. Any agreements made by the birth parents and the adopting parents for post adoption communication and contact are not enforceable by a Court in this state after the adoption has become final.

ARE ADOPTION FILES ACCESSIBLE?

Due to the changes in the Ohio laws over the years the accessibility of adoption records depends upon the date of finalization of the adoption.

Upon written request and payment of a fee, persons adopted prior to 1964 may obtain a copy of their adoption records on file with the State of Ohio, Department of Health, Bureau of Vital Statistics.

Adoption records for persons adopted between 1964 and September 18, 1996 on file with the State of Ohio, Department of Health, Bureau of Vital Statistics and this Court are closed. Identifying information will be released to an adopted person only if the biological parent(s) or an adult sibling has signed a Release of Information on a form prescribed by the Bureau of Vital Statistics. The adopted person seeking identifying information must file a petition in the appropriate Probate Court along with the filing fee.

For adoptions occurring after September 18, 1996, a person age 21 or older or the adoptive parent of an adopted person over the age of 18 and under the age of 21, may request a copy of the contents of the adoption file from the State of Ohio, Department of Health, Bureau of Vital Statistics. The Bureau of Vital Statistics will release that copy upon payment of the appropriate fee unless there is an effective denial of release from either birth parent.

At the discretion of the Court, non-identifying and medical information may be released to the adopted person upon showing of identification and written request. Very little of this information was provided to this Court prior to September 18, 1996.

For further information on this topic you should contact an attorney.

HELPFUL TELEPHONE NUMBERS

State of Ohio, Department of Health,
Bureau of Vital Statistics:(614) 466-2531

State of Ohio, Department of Job and Family Services
Adoptions:(614) 466-9274
Putative Father Registry:(614) 728-9659

Columbus Bar Association
Lawyer Referral Service:(614) 221-0754
Website: www.cbalew.org
03/03



Dear Franklin County Resident:

The Policy of the Franklin County Probate Court is to fulfill its duties as efficiently and effectively as possible. I sincerely hope you find this brochure helpful and your experience with our Court pleasant and successful.

A handwritten signature in cursive script, reading "Lawrence A. Belskis".

LAWRENCE A. BELSKIS, JUDGE

FRANKLIN COUNTY
COURT OF COMMON PLEAS
PROBATE DIVISION

Franklin County Courthouse
373 South High Street
22nd Floor
Columbus, Ohio 43215-6311

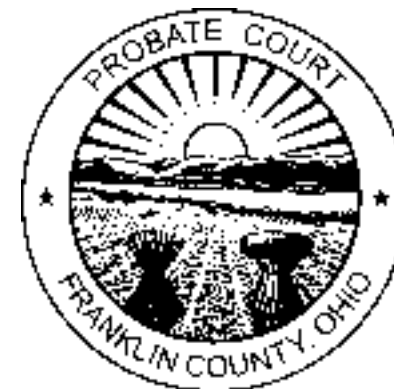
HOURS

Monday — Friday: - 8:00 A.M. to 5:00 P.M.
(Cashier closes at 4:30 P.M.)

GENERAL INFORMATION - 614-462-3894
ADOPTION DESK - 462-3840

For additional information please see our
Website: www.FranklinCountyOhio.gov/probate

ADOPTIONS



Prepared and
issued as a
public service

JUDGE LAWRENCE A. BELSKIS

FRANKLIN COUNTY
PROBATE COURT